

111TH CONGRESS
1ST SESSION

H. R. 149

To promote congressional and public awareness, understanding, and political accountability of presidential signing statements.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. JONES introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To promote congressional and public awareness, understanding, and political accountability of presidential signing statements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Signing
5 Statements Act of 2009”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to promote congressional
8 and public awareness, understanding, and political ac-
9 countability of Presidential signing statements.

1 **SEC. 3. FINDINGS.**

2 Congress makes the following findings:

3 (1) Signing statements that declare the Presi-
4 dent's intent to disregard provisions of bills he has
5 signed into law because he believes they may offend
6 the Constitution raise serious constitutional con-
7 cerns.

8 (2) The statements are in tension with the
9 President's constitutional obligation to take care
10 that the laws be faithfully executed.

11 (3) The statements are in tension with the
12 President's duty to defend and uphold the Constitu-
13 tion.

14 (4) The statements are in tension with the deci-
15 sion of the United States Supreme Court holding the
16 line-item veto unconstitutional in *Clinton v. New*
17 *York*; the statements seem indistinguishable from an
18 absolute line-item veto which Congress has no oppor-
19 tunity to override, and which skew the balance of
20 power over legislation in favor of the President.

21 (5) Seeking judicial review of the constitu-
22 tionality of signing statements is problematic be-
23 cause of the difficulty of discovering a plaintiff with
24 "standing" under Article III of the Constitution.

1 (6) Most Members of Congress and the public
2 neither know nor understand the significance of
3 presidential signing statements.

4 (7) Congressional and public understanding of
5 presidential signing statements would be increased
6 by clear access to the statements and the President's
7 reasoning for their inclusion.

8 **SEC. 4. TRANSMITTING AND PUBLISHING PRESIDENTIAL**
9 **SIGNING STATEMENTS.**

10 (a) IN GENERAL.—The President shall transmit to
11 the Speaker of the House of Representatives and the
12 chairman of the Committee on the Judiciary of the House
13 of Representatives and the majority leader of the Senate
14 and the chairman of the Committee on the Judiciary of
15 the Senate each signing statement that declares or insinu-
16 ates the intention of the President to disregard provisions
17 of any bill he has signed into law because he believes it
18 is unconstitutional. The transmissions shall be made no
19 later than three calendar days after the issuance of the
20 statements. The President shall also have such statements
21 published in the Federal Register according to the same
22 terms and conditions as if they were substantive final rules
23 issued by the Department of Justice.

24 (b) LIBRARIAN OF CONGRESS.—On the same day
25 that the President transmits any signing statement under

1 subsection (a), the President shall transmit that signing
2 statement to the Librarian of Congress who shall place
3 such statement on the Thomas Web site administered by
4 the Library of Congress with all other signing statements
5 transmitted under this subsection during that Congress.

6 **SEC. 5. TESTIMONY BY THE ATTORNEY GENERAL, DEPUTY**
7 **ATTORNEY GENERAL, OR WHITE HOUSE**
8 **COUNSEL.**

9 The Attorney General, Deputy Attorney General, or
10 White House Counsel shall testify before the Committees
11 on the Judiciary of the House of Representatives or Sen-
12 ate at the behest of any single Member of either committee
13 to explain the meaning and justification of every presi-
14 dential signing statement covered by this Act. Executive
15 privilege shall not be recognized as a valid basis for refus-
16 ing to appear or refusing to answer a question pertinent
17 to the legal reasoning behind a signing statement or its
18 legal ramifications.

19 **SEC. 6. LIMITATION.**

20 No monies of the United States shall be authorized
21 or expended to implement any law accompanied by a sign-
22 ing statement covered by this Act if either section 4 or
23 section 5 have been violated in any respect.

○